

## REMARKS

Claims 1-3, 6-10, 12-13, 16-20, 23-27, 29-30, and 33-39 are currently pending in the application. In this amendment, claims 1, 3, 12, 13, 19, 20, 29, 30, and 34 have been amended. No claims have been added or canceled. No new matter has been added. Examination of the pending claims in view of the foregoing amendments and ensuing remarks is respectfully requested.

Initially, the applicant would like to advise that claims 1, 12, 13, 19, 20, 29, 30, and 34 have been amended to include the term “electromagnetic field portion” instead of the term “electromagnetic field packet.” The applicant believes this term clarifies the structure of the signal being produced, which simply has active electromagnetic field portions (comprising electromagnetic field pulses) and substantially inactive electromagnetic field portions (comprising no electromagnetic field pulses). Support for this amendment can be found throughout the specification. For example, see page 7 line 27 to page 8 line 17 in combination with Figures 3 and 4, wherein the terms “energisation signal packets 20” and “active signal portion 20” are used interchangeably. Since the energisation signal portions are used to produce the electromagnetic field portions, the applicant submits that it would be clear to a person of ordinary skill in the art that the terms “packet” and “portion” are interchangeable in the present specification and claims.

### **Rejection of claims under 35 U.S.C. § 112**

Claims 1-3, 6-10, 12-13, 16-20, 23-27, 29-30, and 33-39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is believed to have been overcome by the present amendments to the relevant claims.

Specifically, the Office Action states that, regarding independent claims 1, 19, and 34, the limitation “each said active electromagnetic field portion including an electromagnetic field packet having a plurality of generally rectangular magnetic field pulses having a duration of between 25  $\mu$ s and 100 ms delivered at a frequency of between 1 Hz and 100 Hz” is unclear. In response, claims 1, 19, and 34 have been amended to clarify that the electromagnetic field portion has a frequency of between 10

Hz and 100 Hz and the generally rectangular electromagnetic field pulse has a duration of between 25  $\mu$ s and 100 ms.

The Office Action also states that there was insufficient antecedent basis for the term “the inactive field portion” recited in claims 1, 19, and 34. These claims have been amended so that each instance of this term reads “the inactive electromagnetic field portion.”

The Office Action also states that there was insufficient antecedent basis for the term “the energisation signal packet” recited in claims 3, 12, 20, and 29. These claims have been amended to clarify the function of the solid state switching device used to produce the active and substantially inactive energisation signal portions, and to clarify the relationship of these energisation signal portions to the electromagnetic field portions recited in claims 1 and 19.

The Office Action also indicated that claim 29 was dependent on a canceled claim. Claim 29 has been amended to depend from claim 19.

Claims 1-3, 6-10, 12-13, 16-20, 23-27, 29-30, and 33-39 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the “specification does not provide support for the limitation of the pulses being delivered at a frequency of between 10Hz and 100Hz. The applicant respectfully submits that the present amendments to claims 1, 19, and 34 (discussed hereinabove) clarify the subject matter of the claimed invention. Specifically, in view of the foregoing amendments, it is clear that the frequency of the electromagnetic field portion is between 10 Hz and 100 Hz, as described in the specification. See page 7, lines 27-34.

For the foregoing reasons, the applicant respectfully submits that the rejections under 35 U.S.C. § 112, first and second paragraphs, have been overcome by the present amendments. Thus, withdrawal of these rejections is respectfully requested.

### **Conclusion**

If fees are believed necessary, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims remaining in the application are now believed to be allowable.  
Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact  
the undersigned at (206) 757-8133.

Respectfully submitted,  
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